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United States of America

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ONE 2005 FORD F250 TRUCK,  
CA LICENSE NO. 2606DDP,  
VIN 1FTSW21P25EB71258,  
ITS TOOLS AND APPURTENANCES,  
Defendant.

Civil No. **07 CV 2176 BTM (LSP)**

EX PARTE MOTION TO APPOINT  
THE U.S. MARSHAL  
AS CUSTODIAN

COMES NOW the plaintiff, United States of America, and moves this Court for an exception to General Order 273 issued by this Court, that is, for an order appointing the United States Marshal as custodian of the defendant vehicle upon execution of the warrant of arrest in rem. In support of this motion, plaintiff states as follows:

1. The United States Marshals Service has been staffed with personnel experienced in providing for the management of properties such as the defendant vehicle in this case.
2. The United States Marshal has consented to assume responsibility for the protection and safety of the defendant vehicle during the period the same remains in custodia legis.
3. The continued custody of the United States Marshal following execution of the warrant of arrest in rem is necessary and in the best interests of the plaintiff in this case.
4. It is further requested that all reasonable expenditures incurred by the United States Marshal be a first charge against the defendant vehicle.

1 WHEREFORE, plaintiff respectfully requests that an exception to General Order No. 273 be  
2 permitted in this case and that this motion be granted.

3 DATED: November 14, 2007

4 KAREN P. HEWITT  
United States Attorney

5 *David M. McNeese*

6 DAVID M. McNEES  
7 Assistant U.S. Attorney  
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